

SCOTT N. SCHOOLS, SC SBN 9990  
 United States Attorney  
 JOANN M. SWANSON, CSBN 88143  
 Assistant United States Attorney  
 Chief, Civil Division  
 ILA C. DEISS, NY SBN 3052909  
 Assistant United States Attorney  
 450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-7124  
 FAX: (415) 436-7169

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

OUSSAMA MANNAA,  
 SHIRLEY AZZGHAYER,

Plaintiffs,

v.

MICHAEL CHERTOFF, Secretary,  
 Department of Homeland Security;  
 ROSEMARY MELVILLE, District Director,  
 USCIS San Francisco District Office;  
 EMILIO T. GONZALEZ, Director, USCIS;  
 MICHAEL MUKASEY, Attorney General,  
 Department of Justice,

Defendants.

No. C 07-4504 WHA

**JOINT CASE MANAGEMENT  
 STATEMENT and [Proposed] ORDER**

1. Jurisdiction and Service:

The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331, 28 U.S.C. § 1361, and 5 U.S.C. §§ 555(b) and 704. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served. Defendants will challenge jurisdiction over the Attorney General in this case.

2. Facts:

Plaintiff Oussama Mannaa filed a Form I-485 application to adjust his status to lawful permanent resident with the United States Citizenship and Immigration Services (USCIS) on or

1 about December 15, 2003. The USCIS has not yet adjudicated the Form I-485 application. The  
2 Plaintiffs filed an action on August 30, 2007, seeking an order from this Court directing USCIS to  
3 adjudicate Plaintiff Manna's Form I-485 application.

4 3. Legal Issue:

5 The principal legal issue the parties dispute is whether the Court has jurisdiction to compel  
6 agency action in this case and if so, whether Defendants' delay, as a matter of law, is unreasonable  
7 and not in accordance with the law.

8 4. Motions:

9 The parties intend to file cross-motions for summary judgment.

10 5. Amendment of Pleadings:

11 No parties, claims or defenses are expected to be added or dismissed.

12 6. Evidence Preservation:

13 The parties do not have any evidence that falls within this category.

14 7. Disclosures:

15 The parties agree that this Court's review will be confined to the administrative record and  
16 therefore this proceeding is exempt from the initial disclosure requirements under Fed. R. Civ. P.  
17 26.

18 8. Discovery:

19 The parties do not intend to take any discovery at this time.

20 9. Class Actions:

21 N/A

22 10. Related Cases:

23 The parties are not aware of any related case or cases.

24 11. Relief:

25 Plaintiff asks that the Court direct the agency to adjudicate his adjustment of status application  
26 forthwith and asks for an award of attorney's fees.

27 12. Settlement and ADR:

28 The parties' filed a joint request for an exemption from the ADR process on November 15,

1 2007.

2 13. Consent to Magistrate Judge for All Purposes:

3 Plaintiff does not consent to a magistrate judge.

4 14. Other References:

5 The parties do not believe that this case is suitable for reference to binding arbitration, a  
6 special master, or the Judicial Panel on Multidistrict Litigation.

7 15. Narrowing of Issues:

8 The parties do not believe that the issues can be narrowed by agreement or by motion, and do  
9 not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or  
10 stipulated facts), and any request to bifurcate issues, claims or defenses.

11 16. Expedited Schedule:

12 The parties believe this case can be resolved on cross-motions for summary judgment.

13 17. Scheduling:

14 The parties propose the following schedule on the parties' cross-motions for summary  
15 judgment:

16 Plaintiffs' Motion for Summary Judgment: December 24, 2007

17 Defendants' Opposition/Cross-Motion: January 24, 2008

18 Plaintiffs' Reply/Opposition: February 7, 2008

19 Defendants' Reply: February 21, 2008

20 The parties do not believe a hearing is necessary.

21 18. Trial:

22 The parties do not anticipate the need for a trial in this case.

23 19. Disclosure of Non-party Interested Entities or Persons:

24 None.

25 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this  
26 matter.

27 None.

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1 Dated: November 27, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS  
3 United States Attorney

4  
5 /s/  
6 ILA C. DEISS  
7 Assistant United States Attorney  
8 Attorney for Defendants

9 Dated: November 27, 2007

10 /s/  
11 KIP EVAN STEINBERG  
12 Attorney for Plaintiffs

13 **CASE MANAGEMENT ORDER**

14 The Joint Case Management Statement and Proposed Order are hereby adopted by the  
15 Court as the Case Management Order for the case, and the parties are ordered to comply with this  
16 Order.

17 Date:

18 WILLIAM ALSUP  
19 United States District Judge.  
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